



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 16, 1998

Mr. John R. Adamo
Human Resources Attorney
Texas Department of Protective and Regulatory Service
8100 Cameron Road, Suite 150
Austin, Texas 78754-3833

OR98-2722

Dear Mr. Adamo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119484.

The Department of Protective and Regulatory Services (the "department") received a request for records relating to two internal affairs investigations of department caseworkers. You seek to withhold the requested information under section 552.108 of the Government Code. You have submitted representative samples of the requested information.¹

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

¹In reaching our conclusion, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You advise that the requested information relates to pending criminal investigations. You provide a letter from the Travis County District Attorney's Office confirming that the requested information is related to criminal investigations that the district attorney's office is currently conducting and that the district attorney's office wishes the requested information withheld. Based on these representations, we conclude that you may generally withhold the requested information under section 552.108(a)(1).²

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release this type of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). See also Open Records Decision No. 127 (1976) (summarizing kinds of information made public by *Houston Chronicle*). The remaining portions of the requested information may be withheld under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119484

Enclosures: Submitted documents

²We note that the requestor submitted to this office *inter alia* a June 15, 1998, letter from the department to the subject of one of the investigations to which the request pertains. The letter indicates that the District Attorney's Office declined prosecution of this individual on the assumption that the individual would remit a certain sum to the department. Your August 20, 1998 request for our decision and the attached August 13, 1998 letter from the District Attorney's Office, however, contend that both of the investigations to which the request pertains are still ongoing. We base our conclusions here on these assertions in the August 20 and August 13 correspondence.

cc: Ms. Johnnie Day Wilson
108 E. 44th Street
Houston, Texas 77018
(w/o enclosures)